

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

THOMAS CAGGIANO,

Plaintiff,

vs.

ERIC HOLDER,

Defendant.

Case No. 2:12-cv-01484-GMN-GWF

**ORDER**

Motion for Master Magistrate (#6),  
 Motion for Writ of Mandamus (#7),  
 Motion for Amendment (#9), and  
 Motion to Amend (#14)

These matters come before the Court on Plaintiff Thomas Caggiano's ("Plaintiff") Motion for Appointment of Master Magistrate (#6), filed on September 7, 2012; Motion for Writ of Mandamus (#7), filed on September 7, 2012; Motion for Amendment (#9), filed on September 11, 2012; and Motion to Amend (#14), filed on October 30, 2012. Defendant Eric Holder has not been served with the Petition for Writ of Mandamus (#1), and so no oppositions to the motions have been filed.

In his Motion for Appointment of Master Magistrate (#6), Plaintiff seeks appointment of a special master under 28 U.S.C. § 636(b)(2) and appointment of a special prosecutor in this matter. A magistrate judge may be appointed as special master under section 636 with the consent of the parties. Because the Defendant has not yet been served in this case and is unable to consent, any request for a special master is premature. Under Local Rule 7-2(d), the failure of a moving party to file points and authorities in support of the motion shall constitute a consent to the denial of the motion. Plaintiff cites no authorities to support the appointment of a special prosecutor in this matter, and therefore consents to the dismissal of the motion.

...

1 Under Local Rule 7-4, no briefs and points and authorities in support of a motion shall  
2 exceed thirty (30) pages, excluding exhibits, without leave of the Court. Plaintiff's Motion for Writ  
3 of Mandamus (#7) and Motions to Amend (#9, #14) exceed the page limit. Plaintiff has not sought,  
4 nor has the Court granted, leave for Plaintiff to file any motions exceeding thirty (30) pages.  
5 Therefore, striking of Plaintiff's Motions (#7, #9, #14) is appropriate. Furthermore, in the event  
6 Plaintiff contemplates moving to re-file the Motions (#7, #9, #14), Plaintiff is cautioned that on  
7 initial review, the Motions appear to be unintelligible and without legal support. Accordingly,

8 **IT IS HEREBY ORDERED** that Plaintiff's Appointment of Master Magistrate (#6) is  
9 **denied.**

10 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Writ of Mandamus Writ of  
11 Mandate (#7) is **stricken.**

12 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Amendment and Manual  
13 Submission (#9) is **stricken.**

14 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Amend (#14) is **stricken.**

15 DATED this 15th day of November, 2012.

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18 GEORGE FOLEY, JR.  
19 United States Magistrate Judge  
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